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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,031	12/31/2001	Lothar Musiol	1999P2198	4599

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05/12/2003

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EXAMINER

MOTTOLA, STEVEN J

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

036031

Applicant(s)

Musiol et al.

Examiner

MOTTOGA

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☒ Claim(s) 12 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 states in part that "a DC voltage established at a first terminal is...adjustable or variable via a first terminal"; the meaning of this phrase is unclear.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-8 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Heigl et al.

Ref er to fig. 2 of Heigl et al. Transistors M10,M20 may be read as the first and second amplifiers respectively of claim 1; each has a controlled path connected to ground (the respective source S1,S2 and a terminal for receiving a signal to be amplified G11,G21 as claimed. Then either M1 or M2 may be read as the switching element of claim 1; each has a switched path with one side connected to ground as claimed and the other side connected to a respective input termianl

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G11,G12 as claimed. In each case the switching is controlled by the signal present at the other input terminal. Thus the limitation of claims 2 and 4 as well as the last paragraph of claim 3 is met since either amplifier M10,M20 is controlled according to a voltage level at the input of the other amp. Regarding the first part of claim 3, this would arguably be regardable as an intended use of the invention, but Heigl et al. state at col. 2, lines 32-37 that their arrangement is best suited for "high-frequency circuits" and further refers to the frequency of the input signals and application to television tuners. This would appear to meet the limitation that "analog AC voltages" are amplified. Regarding claim 5, transistors M11,M21 are biasing transistors may be read as the dc voltage generating circuit claimed; see col. 3, lines 42-45 of Heigl et al. The function of claim 6 is inherently met by Heigl et al. since the working point is set so the amplifying transistors M10,M20 can amplify the input signal to be amplified. Claims 7-8 essentially state that if one amplifier is on, the other is off; this is met by Heigl et al. since the two stages are deactivated alternately (abstract). Regarding claim 10, as noted above M10,M20 are transistors, they have gates and are operated dependent on the voltage level at the gate of the other transistor. Regarding claim 11, all of the limitations of this claim have been addressed except for the second gate of each transistor; however, as is apparent from the figures, the amplifier transistors M10,M20 of Heigl et al are dual gate FETs and the second gate is used for AGC as claimed. Biasing transistors M11,M21 may be read as the further transistors claimed and they also each have a controlled path and two gates as claimed. Respective gates of the amplifier and biasing transistors are interconnected as claimed,

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and the controlled paths of the latter are grounded and in parallel with the controlled path of a respective amplifier transistor. It is noted that a certified translation of the priority document supplied may overcome the above rejection.

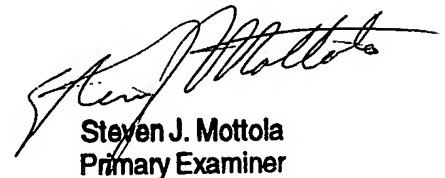
Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Heigl et al. does not disclose the switching transistor(s) connected to a node between resistors of a series circuit connecting the gates of the amplifier and biasing transistors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Mottola whose telephone number is 703-308-4914. The examiner can normally be reached on M-Th from 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Pascal, can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6251.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Steven J. Mottola
Primary Examiner